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10/593,826	10/27/2006	Keiichi Matsuhashi	0670-7086	4457
31780	7590	04/17/2009	EXAMINER	
ERIC ROBINSON			SIVJI, NIZAR N	
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21010 SOUTHBANK ST.			ART UNIT	PAPER NUMBER
POTOMAC FALLS, VA 20165			2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,826	Applicant(s) MATSUHASHI, KEIICHI	
	Examiner NIZAR SIVJI	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/21/2007, 9/22/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. Claims 8 – 11 are currently pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claim 8 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont Pub. No. 2003/0027554 in view of Multer Pub. No. 20020010807.

Regarding Claim 8. Haumont teaches a service class Control system comprising a service class control server and a plurality of terminal devices connected to the service class control server via a wireless telephone network (i.e., mobile terminal connected to the network Para 22);

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wherein the service class control server comprises:

means for storing, for each terminal device, service class data indicative of a range of service served by the terminal device (i.e., subscriber information and service stored in the network switch Para 23, 27); and

means for retrieving, from the means for storing, a service class data associated with an identification data for identifying the terminal device, and for transmitting the retrieved service class data to the terminal device as a data indicative of a range of service which the terminal device can serve, in response to the identification data which is received from the terminal device and identifies the terminal device, when the terminal device requires a start of providing a service (i.e., storing subscriber information including terminal device with applicable service which terminal device can serve Para 27-28);

and wherein the terminal device comprises:

means for obtaining and storing the retrieved service class data indicative of the range of service which the terminal device itself can serve, when the terminal device receives the retrieved service class data from the service class control server, and providing services lying within the range indicated by the stored service class data (i.e., storing device including a SIM card that can hold subscriber identity, perform authentication algorithms, and stores authentication and encryption key and some subscription information that is needed in the mobile station Para 22); and

means for transmitting the service class data stored in the terminal device and the identification data for identifying the terminal device to the service class control server in response to reception of an interrogation signal via the wireless telephone network

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(mobile node that has a radio interface to the network Para 22); and

wherein the service class control server comprises: _retrieves, means for retrieving, from the means for storing, a service class data associated with the identification data which the terminal device has transmitted in response to reception of the interrogation signal, and verifying match among the retrieved service class data and the service class data which the terminal device has transmitted in response to reception of the interrogation signal i.e., Mobile node which support packet data transmission and has a radio interference to the network and can store subscriber information Para 22).

Haumont does not teach in detail that it is decided whether these two pieces of service class data coincide with each other.

However, preceding limitation is known in the art of communications. Multer teaches that if there is a conflict between two service data refer to as coincide with each other sync application must be allowed to resolve the conflict. (Para 14). Multer further teaches how to resolve the conflict (Fig. 15 Para 225). Therefore, it is obvious to one having ordinary skill in the art at the time the invention was made that it is decided whether these two pieces of service class data coincide with each other. Thus, the motivation will be to synchronize data so there is no conflict.

Regarding Claim 9. Haumont teaches a service class control server for use in a service class control system comprising the service class control server and a plurality of terminal devices connected to the service class control server via a wireless telephone network (i.e., mobile terminal connected to the network Para 22); said service class control server comprises:

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means for storing, for each terminal device, service class data indicative of a range of service served by the terminal device (i.e., subscriber information and service stored in the network switch Para 23, 27); and

means for retrieving, from the means for storing, a service class data associated with an identification data for identifying the terminal device (terminal identification and authentication Para 18), and for transmitting the retrieved service class data to the terminal device as a data indicative of a range of service which the terminal device can serve, in response to the identification data which is received from the terminal device and identifies the terminal device i.e., storing subscriber information including terminal device with applicable service which terminal device can serve Para 27-28), when the terminal device requires a start of providing a service; and wherein the terminal device comprises: obtains and stores means for obtaining and storing the retrieved service class data indicative of the range of service which the terminal device itself can serve, when the terminal device receives the retrieved, service class data from the service class control server, and providing services lying within the range indicated by the stored service class data (i.e., storing device including a SIM card that can hold subscriber identity, perform authentication algorithms, and stores authentication and encryption key and some subscription information that is needed in the mobile station to authenticate service Para 22); and

wherein the service class control server comprises: retrieves, means for retrieving, from the means for storing, a service class data associated with the identification data which the terminal device has transmitted to the service control server in response to

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reception of an interrogation signal via the wireless telephone network, and verifying match among the retrieved service class data and the service class data (i.e., identify terminal device and mobile node to transmit data to the network via radio network interface Para 18, 22);

which the terminal device has transmitted in response to reception of the interrogation signal via the wireless telephone network (i.e., Mobile node which support packet data transmission and has a radio interference to the network and can store subscriber information Para 22).

Haumont does not teach in detail that it is decided whether these two pieces of service class data coincide with each other.

However, preceding limitation is known in the art of communications. Multer teaches that if there is a conflict between two service data refer to as coincide with each other sync application must be allowed to resolve the conflict. (Para 14). Multer further teaches how to resolve the conflict (Fig. 15 Para 225). Therefore, it is obvious to one having ordinary skill in the art at the time the invention was made that it is decided whether these two pieces of service class data coincide with each other. Thus, the motivation will be to synchronize data so there is no conflict.

Regarding Claim 10. Haumont teaches the service class control server as set forth in Claim 9, wherein the service class control server transmits service stop instruction data to the terminal device when it is decided that the service class control server can verify no match among the retrieved service class data and the service class data which the terminal device has transmitted (i.e., In response to message HLR sends a modification

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request in order to modify data in SGSN. SGSN notices change in service that an inactive PDP context was activated with the subscription information which is not valid and trigger the deactivation request Para 44).

Regarding Claim 11. Haumont teaches a terminal device for use in a service class control system comprising a service class control Server and a plurality of terminal devices connected to the service class control server Via a wireless telephone network, wherein said service class control server comprises (i.e., mobile terminal connected to the network Para 22):

means for storing, for each terminal device, service class data indicative of a range of service served by the terminal device (i.e., subscriber information and service stored in the network switch Para 23, 27); and

means for retrieving, from the means for storing, a service class data associated with an identification data for identifying the terminal device (i.e., terminal identification and authentication Para 18), and for transmitting the retrieved service class data to the terminal device as a data indicative of a range of service which the terminal device can serve, in response to the identification data which is received from the terminal device and identifies the terminal device, when the terminal device requires a start of providing a service (i.e., storing subscriber information including terminal device with applicable service which terminal device can serve Para 27-28);

wherein the terminal device comprises:

means for obtaining and storing the retrieved service class data indicative of the range of service which the terminal device itself can serve, when the terminal device receives

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the retrieved service class data from the service class control server, and providing services lying within the range indicated by the stored service class data (i.e., storing subscriber information including terminal device with applicable service which terminal device can serve Para 27-28); and

means for transmitting the service class data stored in the terminal device and the identification data for identifying the terminal device to the service class control server in response to reception of an interrogation signal via the wireless telephone network (i.e., identify terminal device and mobile node to transmit data to the network via radio network interface Para 18, 22); and

wherein the service class control server comprises:

retrieves, means for retrieving, from the means for storing, a service class data associated with the identification data which the terminal device has transmitted in response to reception of the interrogation signal, and verifying match among the retrieved service class data and the service class data which the terminal device has transmitted in response to reception of the interrogation signal (identifying the terminal device and match service data for the service node to provide service to the subscriber Para 18, 19).

Haumont does not teach in detail that it is decided whether these two pieces of service class data coincide with each other.

However, preceding limitation is known in the art of communications. Multer teaches that if there is a conflict between two service data refer to as coincide with each other sync application must be allowed to resolve the conflict. (Para 14). Multer further

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teaches how to resolve the conflict (Fig. 15 Para 225). Therefore, it is obvious to one having ordinary skill in the art at the time the invention was made that it is decided whether these two pieces of service class data coincide with each other. Thus, the motivation will be to synchronize data so there is no conflict.

Response to Arguments

3. Applicant's arguments with respect to claim 8 - 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIZAR SIVJI whose telephone number is (571)270-7462. The examiner can normally be reached on 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/NIZAR SIVJI/
Examiner, Art Unit 2617